

MARTIN R. BADER (*Pro hac vice*)
mbader@sheppardmullin.com
JESSE A. SALEN (*Pro hac vice*)
jsalen@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 El Camino Real, Suite 100
San Diego, California 92130-4092
Telephone: 858.720.8900

PATRICK McGILL (*Pro hac vice*)
patrick@mcgillco.com
MCGILL & CO., P.C.
5580 La Jolla Blvd, Suite 39
La Jolla, CA 92037
Tel: (619) 974-8886

Nathan D. Thomas (USB #11965)
Elizabeth M. Butler (USB #13658)
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234
nthomas@parsonsbehle.com
lbutler@parsonsbehle.com

Attorneys for Defendant BlendJet Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

BLENDTEC INC., a Utah corporation,
Plaintiff,
vs.

BLENDJET INC., a Delaware corporation,
Defendant.

**MOTION TO FURTHER EXTEND TIME
TO FILE OPPOSITION TO
PLAINTIFF'S MOTION TO
CONSOLIDATE**

Civil No. 2:21-cv-00668-TC-DBP
Judge Tena Campbell
Magistrate Judge Dustin B. Pead

Pursuant to Fed. R. Civ. P. 7, and DUCivR 7-1, Defendant BlendJet Inc. by and through its undersigned counsel, hereby moves the Court for an order extending Defendant's time to respond to Plaintiff's Motion to Consolidate [Dkt. No. 200] (the "Motion"), an additional sixty (60) days. BlendJet's counsel conferred with counsel for Plaintiff Blendtec, Inc. regarding its request for the additional extension via email. On March 25, 2025, counsel for Blendtec informed BlendJet that Plaintiff opposes the additional extension on the basis that it will be filing a motion for preliminary injunction in the 2025 Action in the near future.

The Motion seeks to consolidate the above-captioned action (the "2021 Action") with the newly filed matter entitled *Blendtec, Inc. v. BlendJet, Inc., et al.*, Case No. 2:25cv-00096-DBP, brought by Plaintiff against Defendant BlendJet as well as additional parties (the "2025 Action"). Defendant's response to the Motion was originally due on March 6, 2025. On March 6, 2025, the parties stipulated and jointly moved the Court for an order extending Defendant's time to respond to the Motion by three (3) weeks, which the parties agreed was warranted because the 2025 Action introduces additional parties and new claims, and because BlendJet needed additional time coordinate its representation in the 2025 Action. [See Dkt. 202.] The Court granted the requested extension on March 7, and set Defendant's response date on March 27, 2025. [See Dkt 203.]

A further extension of BlendJet's time to respond to the Motion is warranted. As explained to the Court in the Parties' Seventh Stipulated Motion to Amend Scheduling Order, on January 13, 2025, BlendJet's assets – including the trademarks at issue in this matter – were the subject of a foreclosure sale under Article 9 of the UCC, resulting in the transfer of those assets to a new assignee. [Dkt. 198 at 1.] That state of affairs has left BlendJet presently without the

resources necessary to timely respond to the Motion – and it remains the case that additional time is needed for BlendJet to evaluate its ability to obtain counsel to represent its interests in both the 2021 and 2025 Matters, given the pending motion to withdraw filed by its current counsel. [See Dkt. 204 (citing “a breakdown in the attorney-client relationship and BlendJet is currently unable to fulfill its obligations to counsel.”)] The requested extension stands to provide BlendJet with an adequate opportunity to do so.

Accordingly, for good cause appearing, BlendJet hereby moves the Court for an order extending the deadline for Defendant to respond to the Motion to May 26, 2025. A proposed order is attached hereto.

Submitted this 27th day of March, 2025.

PARSONS BEHLE & LATIMER
/s/ Nathan D. Thomas

Nathan D. Thomas (USB #11965)
Elizabeth M. Butler (USB #13658)

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Martin R. Bader (*Pro hac vice*)
Jesse A. Salen (*Pro hac vice*)

MCGILL & CO., P.C.
Patrick McGill (*pro hac vice*)

Attorneys for Defendant BlendJet, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

Brett Foster (#6089)
Tamara Kapaloski (#13471)
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
foster.brett@dorsey.com
kapaloski.tammy@dorsey.com

Dana M. Herberholz (*pro hac vice*)
DORSEY & WHITNEY LLP
101 S Capital Blvd Ste 1701
Boise, ID 83702
Telephone: (208) 617-2550
Fax: (208) 567-4992
herberholz.dana@dorsey.com

/s/ Nathan D. Thomas